

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Ellerbrock Family Trust
and Belmont Strategic Income Fund,

Civil No. 08-5370 JRT/FLN

Plaintiffs,

v.

NOTICE OF INITIAL
PRETRIAL CONFERENCE

McGladrey & Pullen

Defendant.

GEOFFREY P. JARPE, Esq., ROBERT R. WEINSTINE, Esq., and WILLIAM A. McNAB, Esq., WINTHROP & WEINSTINE, for plaintiffs.

KATHERINE M. TURNER, Esq., STEVEN M. FARINA, Esq., and THOMAS H L SELBY, Esq., WILLIAMS & CONNOLLY; and THOMAS J. SHROYER, Esq., MOSS & BARNETT, for defendant.

If any parties or counsel are not listed, counsel for plaintiff(s) shall provide them with a copy of this Notice.

I. DATE, TIME, PLACE AND PARTICIPANTS

Pursuant to Rule 16 of the Federal Rules of Civil Procedure, and Local Rule 16.2 of the Local Rules of Procedure for the District of Minnesota, an initial pretrial conference in the above captioned matter will be held on January 16, 2009, at 9:00 a.m. before Magistrate Judge Franklin L. Noel in chambers at Suite 9W United States Courthouse, 300 South 4th Street, Minneapolis, Minnesota.

II. MEETING AND REPORT REQUIRED BY RULE 26(f)

A. Pursuant to Federal Rule of Civil Procedure 26(f), trial counsel for each party

shall meet in person within 10 days of the date of this Notice, or at such later date agreed to by the parties, but in NO event later than 21 days before the scheduled initial pretrial conference. At the meeting, counsel shall discuss the nature and basis of their claims and defenses, and the possibilities for a prompt settlement or resolution of the case.

B . If the case does not settle, counsel shall make or arrange for the disclosures required by Fed.R.Civ.P. 26(a)(1), and shall jointly prepare and file with the Clerk of Court a complete written Report of the Rule 26(f) meeting. The Report shall be prepared in accordance with Local Rule 16.2, and in the form prescribed in Form 3 of the Local Rules of this Court. Requests to conduct the pretrial conference with the court by telephone are disfavored but will be considered if substantial travel would otherwise be involved. Such requests should be made in conformity with Local Rule 7.3 and called to the court's attention by calling chambers at least three (3) days before the scheduled conference. Counsel shall also deliver to chambers of this Court, Suite 9W, United States Courthouse, 300 South 4th Street, Minneapolis, Minnesota 55415, a copy of the Report. The Report shall be filed within 14 days after counsel have met pursuant to Rule 26(f).

III. CONSENT TO EXERCISE OF JURISDICTION BY THE MAGISTRATE JUDGE PURSUANT TO TITLE 28, UNITED STATES CODE, SECTION 636(c)

At least five (5) days before the date of the pretrial conference, counsel shall return the enclosed form to Holly Morley, Calendar Clerk for Judge Tunheim, indicating whether or not they consent to have this matter tried before the Magistrate Judge. This form need not be served on opposing counsel. The form shall be returned to Ms. Morley whether the party does or does not consent. Please return the executed form to Holly Morley, Calendar Clerk to Judge Tunheim, by e-mail , <tunheim_chambers@mnd.uscourts.gov>, pursuant to the

specific instructions in the Section II. F. 2 of the Civil ECF Procedure Guide, “Consent to Disposition of Case By Magistrate.”

DATED: December 8, 2008.

S/ Franklin L. Noel
United States Magistrate Judge

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Civil

Plaintiff,

v.

CONSENT TO JURISDICTION
BY A UNITED STATES
MAGISTRATE JUDGE

Defendant.

In accordance with the provisions of Title 28, U.S.C. §636(c), the undersigned party or parties to the above-captioned civil matter hereby voluntarily [DOES] [DOES NOT] (cross out which ever does not apply) consent to have a United States Magistrate Judge conduct any and all further proceedings in the case, including trial, and order the entry of a final judgment.

DATE: _____

Signature

Counsel for _____

NOTE: Return this form to Holly Morley in the office of the Clerk of Court whether or not you consent to jurisdiction by a magistrate judge. Do not send a copy of this form to any district judge or magistrate judge.